NPDES Permit No.: AK-005286-8

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

AUTHORIZATION TO DISCHARGE UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4 (the "Act" or "CWA"),

**Northern Victor Partnership** (the "permittee")
4209 21st Avenue West, Suite 402
Seattle, Washington 98199

is authorized to discharge from

**M/V Northern Victor** (the "facility"),
a seafood processing facility classified as SIC No. 2077 and
located in Udagak Bay, Beaver Inlet, Unalaska Island, Alaska,

to

**Udagak Bay** (of Beaver Inlet, Unalaska Island) (the "receiving waters"),
at latitude 53E44'37" North, longitude 166E18'13" West, and
in USGS Hydrologic Unit No. 19030102,

in accordance with discharge point(s), effluent limitations, monitoring requirements and other conditions set forth herein.

The permit shall become effective September 13, 1999.

The permit and the authorization to discharge shall expire at midnight, September 13, 2004.

The permittee shall reapply for a permit reissuance on or before March 17, 2004.
180 days before the expiration of this permit, if the permittee intends to continue operations and discharges at the facility beyond the term of this permit.

Signed this 10th day of August, 1999.

/s/ Randall F. Smith
Randall F. Smith
Director
Office of Water

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## I. EFFLUENT LIMITS AND MONITORING

During the term of the permit, the permittee is authorized to discharge wastewater, solids, and residues from the processing of seafood and related support activities through outfalls 001 through 009 in accordance with the following conditions.

### A. Limit on the Annual Load of Settleable Solid Processing Residues

The permittee shall not discharge more than the weighted sum of the loads of settleable solid seafood processing waste residues presented in the following table during a calendar year at the on-site point(s) of discharge. The limit on the weighted sum on the two particle sizes is calculated according to the formula:

$$S_y / S_L + G_y / G_L = 1,$$

where *S* refers to screened wastes of one millimeter width, *G* refers to ground wastes of one-half inch width, subscript *y* refers to the actual annual discharge, and subscript *L* refers to the load limits.

| Area of Authorized Zone of Deposit | Width of Particles of Settleable Solid Residues | Annual Load Limit on Settleable Solid Residues* assuming no discharge of the other particle-size |
|---|---|---|
| One (1) acre | one (1) millimeter | 6,300,000 lbs/yr |
| | one-half (1/2) inch | 3,600,000 lbs/yr |

* The weighted limit consists of interdependent limits on the discharge loads of residues of the two particle sizes, such that a discharge of one reduces the load limit on the other. In order to determine how much ground waste could be discharged on-site given an expected discharge load of screened wastes, subtract the fraction of the load limit for the 1 mm screened wastes from one and multiply this fractional remainder by the load limit for the 0.5 inch ground wastes. For example, if 50% of the wasteload of one millimeter particles is discharged (i.e., 3,150,000 lbs), then only 50% of the wasteload of one-half inch particles is allowed (i.e., 1,800,000 lbs).

In order to meet these limitations, the permittee may transport and dispose of groundfish and crab processing waste solids measuring no more than one half (0.5) inch in any dimension, and unground mollusk shells, to an offshore discharge area which is more than one (1) nautical mile from shore and more than 120 feet in depth at mean lower low water (MLLW).

The permittee shall maintain a written log of its discharges, noting the time, date, amount, nature, and location (latitude and longitude in degrees, minutes, and seconds as determined by GPS) of these discharges. The permittee shall also record observations of the kinds and approximate numbers of marine mammals and birds observed during the discharge of these processing waste solids.

## B. Seafood Processing Wastewaters, Discharges 006 and 007

1. Treatment requirement and limit on particle size. The permittee shall reduce all solid wastes and wastewater from the seafood processing lines and floor drains to one half (0.5) inch width or less prior to discharge through its on-site outfalls to the receiving waters. The permittee shall not discharge seafood processing pollutants which exceed **one half (0.5) inch width** through its on-site outfalls to the receiving waters.

2. Prohibition on floating residues. The permittee shall not discharge effluents which cause a foam, film, sheen, scum, or deposit to form on the surface of the receiving water except as allowed by a State-authorized mixing zone for floating residues.

3. Limitation on pH. The permittee shall not discharge process wastewater with a pH of less than 6.5 nor more than 8.5 standard units.

4. Effluent monitoring requirements.

   a. Discharges 006 and 007 shall be monitored during four (4) months when processing occurs for a period of more than seven (7) days.

| Parameter (units) | Frequency | Sample Type |
|---|---|---|
| Flow (MGD, i.e., 1,000,000 gal/day) | daily throughout yr | meter |
| Biochemical Oxygen Demand (BOD5; mg/L) | 1 per month | 24-hr composite[1] |
| Total Suspended Solids (TSS; mg/L and lbs/day) | 4 per month | grab |
| Settleable Solids of Ground Process Wastes (ml/L and wet weight[2] of mg/L, lbs/day and lbs/yr) | 4 per month | grab |
| Settleable Solids of Screened Process Wastes (ml/L and wet weight[2] of mg/L, lbs/day and lbs/yr) | 4 per month | grab |
| pH (standard units) | 4 per month | grab or meter |

1 A composite sample shall include a minimum of four (4) discrete samples taken during a 8-hour period.
2 Wet weight may be determined by determining the volume of solids settled in an Imhoff cone (Standard Methods #2540-F) and converting from volume to wet weight by multiplying the volume of solids by either an EPA-estimated density of 1.17 g/ml SS or a facility-specific estimate of wet weight density.

b. Discharges 002, 003, and 004 shall be monitored during two (2) months when processing occurs for a period of more than ten (10) days.

| Parameter (units) | Frequency | Sample Type |
|---|---|---|
| Flow (MGD, i.e., 1,000,000 gal/day) | daily throughout yr | meter |
| Biochemical Oxygen Demand (BOD5; mg/L) | 1 per month | 24-hr composite[1] |
| Total Suspended Solids (TSS; mg/L and lbs/day) | 4 per month[2] | grab |
| Settleable Solids (SS; mg/L, lbs/day and lbs/yr) | 4 per month | grab |
| pH (standard units) | 1 per month | grab or meter |

1 A composite sample shall include a minimum of four (4) grab samples taken during a 24-hour sampling period.
2 Representative samples collected at least six (6) hours apart.

c. Grinders, screens, and waste conveyances. The permittee shall examine the screening and conveyance system regularly to ensure that the solids recovery system is operating effectively and efficiently. The permittee shall maintain a written log of the corrective actions upon the solids recovery system and occurrences of wastewater overflows and other operational problems. The permittee shall make this logbook available upon request by EPA or ADEC.

d. Monitoring procedures. Monitoring shall be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been approved by EPA.

Samples taken in compliance with the effluent monitoring requirements of the permit shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.

The permittee shall ensure that all effluent monitoring is conducted in compliance with the quality assurance and control requirements of the permit (see "Quality Assurance Requirements," below).

e. Additional monitoring by the permittee. If the permittee monitors any pollutant discharged that it is required to monitor by the permit more frequently than the permit requires while using test procedures approved under 40 CFR 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the discharge monitoring report.

f. Report of monitoring results. An annual discharge monitoring report of the results of this effluent monitoring shall be submitted to EPA on or before January 15th of the calendar year following the monitoring. The annual report shall include tabular presentations of the week, date, and time of monitoring, and the measurements of flow and effluent parameters.

g. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. In addition, modification may be requested by the permittee. The modified program may include changes in survey (1) stations, (2) times, (3) frequencies, (4) parameters, or (5) methods.

**C. Non-contact Wastewaters, Discharges 001, 008, and 009**

Cooling water, sealing water, fresh water relief discharge, and other non-process water which are less than 25EC may be discharged to the receiving waters.

Discharges of more than 15,000 gal/day shall be monitored weekly for temperature and estimated flow. An annual report of the results of this monitoring shall be submitted to EPA on or before January 15th of the calendar year following the monitoring. The annual report shall include tabular presentations of the week, date, and time of monitoring, and the measurements of flow and temperature (EC) for each of the non-contact wastewater discharges. After 52 weeks of recording the flow and temperature and reporting this record, the permittee may discontinue until any process change occurs which causes a significant increase in these effluents. In the event of such a process change, the permittee shall recommence the monitoring according to EPA's conditions.

**D. Sanitary Wastewaters.**

The permittee shall route all sanitary wastes through a sanitary waste system that meets the applicable Coast Guard pollution control standards then in effect [33 CFR Part 159: "Marine sanitation devices"]. Nonfunctioning and undersized systems are prohibited.

**E. Other Effluent Conditions**

1. Mixing zone. The permittee is permitted to discharge pollutants which exceed the Alaska Water Quality Standards for temperature, color, and turbidity within mixing zones of 100 feet distance around the end of each of the outfalls. The antidegradation requirement contained in the Alaska Water Quality Standards does not apply within this mixing zone.

2. Zone of deposit. The permittee is permitted to discharge pollutants which exceed the Alaska Water Quality Standard for settleable solid residues

within a zone of deposit of 1.5 acre on the sea floor below the seafood processing discharge of the outfall(s) at the stern of the vessel. The antidegradation requirement contained in the Alaska Water Quality Standards does not apply within this zone of deposit.

If deposition greater than the 1.5 acre zone of deposit is documented, the Best Management Practices Plan shall be modified to redress the situation. Modifications may include: alternative waste treatment measures, outfall alterations, and alternation of normal operations.

3. Discharge pipe locations. The permittee shall discharge its seafood processing and wastewaters through outfalls in the general configuration described in the permittee's NPDES application and at depths of twenty (20) feet or deeper. The permittee shall discharge its sanitary wastewaters through outfalls in the general configuration described in the permittee's NPDES application and at depths of ten (10) feet or deeper.

   All ground seafood wastes which are discharged on-site will be discharged from the stern of the vessel.

## II. BEST MANAGEMENT PRACTICES PLAN

The permittee shall develop and complete a Best Management Practices (BMP) Plan within 180 days of the effective date of this period and implement it upon its completion.

**A. Purpose and Objectives.** The permittee shall prevent or minimize the generation and discharge of wastes and pollutants from the facility to the waters of the United States through implementation of a BMP Plan. Pollution should be prevented or reduced at the source or recycled in an environmentally safe manner whenever feasible. Disposal of wastes into the environment should be conducted in such a way as to have a minimal environmental impact.

The permittee shall develop its BMP Plan consistent with these objectives.

1. The number and quantity of wastes and pollutants (esp. BOD5, settleable residues, floatable residues, foam, fine particulates, color, oil and grease, pH, and total residual chlorine and other disinfectants) shall be minimized by the permittee to the extent feasible by managing each effluent waste stream in the most appropriate manner.

2. Any Standard Operating Procedures (SOPs) shall ensure proper operation and maintenance of the facility.

3. Process and treatment evaluations for the facility's control of wastes and pollutants shall include the following considerations.

   a. Each facility component or system will be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to receiving waters due to the failure or improper operation of equipment. Evaluation criteria also will include the reduction of the existing waste pile. The examination will include all normal operations, including raw material and product storage areas, in-plant conveyance of product, processing and product handling areas, loading, or unloading operations, spillage or leaks from the processing floor and dock, waste capture and treatment, and sludge and waste disposal.

   b. Equipment will be examined for potential failure and any resulting overflow of wastes and pollutants to receiving waters without treatment. Provision will be made for emergency measures to be taken in such an event.

**B. Documentation.**

1. The BMP Plan will be developed in accordance with good engineering practices and will be documented as a written plan and include necessary plot plans, drawings, or maps. The BMP Plan will be organized and written with the following structure:

   a. Name and location of the facility;

   b. Statement of BMP policy;

   c. Materials accounting of the inputs, processes, and outputs of the facility (a.k.a., mass balance assessment);

   d. Identification and assessment of potential effects of the pollutant discharges;

   e. Specific management practices and standard operating procedures to achieve the above objectives, including, but not limited to,

      (1) the modification of equipment, facilities, technology, processes, and procedures, and

      (2) the improvement in management, inventory control, materials handling, or general operational phases of the facility;

f. Good housekeeping;

g. Preventative maintenance;

h. Inspections and records; and

i. Employee training.

2. The BMP Plan will include the following provisions concerning its review:

a. Provide for a review by the facility manager and appropriate staff; and

b. Include a statement that the above review has been completed and that the BMP Plan fulfills the requirements set forth in the permit. This statement shall be certified by the dated signature of the facility manager.

3. The permittee shall submit to EPA written certification, signed by a principal officer or a duly appointed representative of the permittee, of the completion of its BMP Plan within 30 days of its completion. The permittee shall maintain a copy of its BMP Plan at its facility and shall make the plan available to EPA and ADEC for review and approval upon request.

**C. Modification of the BMP Plan.**

1. The permittee shall amend the BMP Plan whenever there is a change in the facility, its operations, or other circumstances which materially increase the generation of pollutants and their release or potential release to the receiving waters. The permittee shall also amend the BMP Plan when facility operations covered by the BMP Plan change. Any such changes to the BMP Plan will be consistent with the objectives and specific requirements listed above. All changes in the BMP Plan shall be reviewed and approved by the facility manager.

2. If a BMP Plan proves to be ineffective in achieving the general objective of preventing and minimizing the generation of pollutants and their release and potential release to the receiving waters and/or the specific requirements above, the permit and/or the BMP Plan will be subject to modification to incorporate revised BMP requirements.

## III. ANNUAL REPORT

**A. Purpose and Objectives.** The permittee shall submit an Annual Report whose purpose is to inform EPA and ADEC of the use of, discharge to, and potential degradation of the receiving waters by the permittee.

**B. Documentation.** The permittee shall provide the following information on its operations, production, discharges, and incidences of noncompliance in its Annual Report.

1. Verification of the permittee's NPDES permit number, facility owner, facility operator, name of the facility or vessel, mailing address, telephone number, and facsimile number.

2. A summary of incidences of noncompliance with any of the requirements of the permit between January 1st through December 31st of the previous year, the periods of noncompliance, the reasons for such noncompliance, and the steps taken to correct the problem and prevent further occurrences.

3. A compilation of information on production and discharge during the previous year, including

   a. Dates of operation by month,

   b. Type and amount (lbs) of raw seafood inputs per month,

   c. Type and amount (lbs) of seafood products per month,

   d. Amount (lbs) of total suspended solids discharged per month (flow volume x average pollutant concentration x conversion factors),

   e. Amount (lbs) of settleable solids discharged per month (flow volume x average pollutant concentration x conversion factors), and

   f. Amount (lbs) of BOD5 discharged per month (flow volume x average pollutant concentration x conversion factors).

   g. Comprehensive results of the above effluent monitoring program (see "Effluent Monitoring Requirements," above).

4. A statement of any changes to the permittee's application for a permit (including process changes, locations, and production levels).

**C. Signatory Requirements.** The permittee shall ensure that the Annual Report is signed by a principal officer or a duly appointed representative of the permittee (see "Signatory Requirements," below).

**D. Submittal.** The permittee shall submit its Annual Report by January 15th of the year following each year of operation and discharge under the permit. The permittee shall submit its Annual Report to EPA and ADEC in accordance with "Submittal of Reports" (below).

## IV. ENVIRONMENTAL MONITORING

### A. Sea Floor Monitoring.

The permittee shall conduct a sea floor monitoring program of the waste piles at the bow and stern of the vessel as well as of the historic waste pile annually to determine compliance with the Alaska Water Quality Standard for settleable residues in marine waters. Alaska Administrative Code (AAC) Part 18 § 70.020 states that (settleable) residues shall not... “cause a sludge, solid, or emulsion to be deposited... on the bottom."

1. Purpose and objectives. The sea floor monitoring program will determine the configuration, area, thickness, and volume of the continuous deposit of sludge, solid, or emulsion on the bottom, if any, that is greater than one half (0.5) inch thick and that persists throughout the year and the extent of any change in area, thickness or volume from the previous survey.

    a. Monitoring will provide a determination of the outer boundary of the area of the continuous deposit of waste solid residues. It is recommended that such precision will require a visual, photographic, or video assessment.

    b. Monitoring will provide an estimate of the area of the continuous deposit of waste solid residues which persists throughout the year and which is accurate to the nearest one thousand (1,000) square feet at a minimum.

    c. Monitoring will provide an measurement of the average and maximum thicknesses of the continuous deposit of waste solid residues which persists throughout the year and which is accurate to the nearest foot at a minimum.

    d. Monitoring will provide an estimate of the volume of the continuous deposit of waste solid residues which persists throughout the year and which is accurate to the nearest one hundred (100) cubic yards at a minimum.

    e. Monitoring will provide an estimate of the change in area, thicknesses, and volume of the continuous deposit of waste solid residues from the previous survey to the current survey. Monitoring will provide the percent change in the volume of the waste pile from the most recent survey preceding the effective date of this permit.

    f. Monitoring will identify and list the large fishes, invertebrates, and kelp found on, above, and within a 100 ft perimeter of the wastepile. The

permittee may substitute a trawl survey for a diver-based biological assessment. The permittee will consult with the National Marine Fisheries Service (NMFS) in the development of this portion of the sea floor survey and provide its study plan to NMFS for review and approval. The permittee may substitute a trawl survey for a diver-based biological assessment. [Contact: Jean Hanson, NMFS, P.O. Box 21668, Juneau, Alaska, 99802-1668; (907) 271-5006)]

2. Schedule. The permittee shall develop and implement a monitoring program to survey the area and volume of its discharge deposit during the first year of the permit and conduct it annually.

3. Survey plan. The permittee shall develop a survey plan which meets the purpose and objectives of the sea floor monitoring program. The survey plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data. The permittee shall submit this survey plan to EPA and ADEC for review and approval at least thirty (30) days before the survey takes place. No response from EPA or ADEC will be interpreted as approval of the survey plan.

4. Monitoring report. The permittee shall submit a report of the sea floor monitoring survey which describes the methods and results of the survey. The description of the methods will include at least the name, address, and phone number of the surveyor, the date(s) of the survey, and the method and equipment used in the survey. The description of the results will include at least the area, average and maximum thicknesses, and volume of the deposit of waste solid residues and a map of the configuration of the deposit in relation to the discharge pipe and the bathymetry of the sea floor. The report will include an abstract or executive summary which presents a concise description of the study, its conclusions, any potential water quality problems identified, and recommendations on how the study plan can be improved for subsequent monitoring.

   The permittee shall submit a report of the monitoring program to EPA and ADEC on or before January 15th of the year following the survey. It is recommended that this report be submitted with the Annual Report.

5. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (<u>see</u> "Signatory Requirements," below).

6. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. The permittee may request a modification of the monitoring program. The modified program

may include changes in survey (1) stations, (2) times, (3) parameters, or (4) methods.

7. Necessary action for a waste pile exceeding one (1) acre in area. If the results of the sea floor survey demonstrate an accumulation of seafood processing residues exceeding one (1) acre in area, the permittee shall undertake remediation to reduce and disperse the waste pile to one half (½) acre in area within one (1) year of the survey.

**B. Visual Monitoring for Residues**

The permittee shall conduct a visual monitoring program of the sea surface and shoreline to determine compliance with the Alaska Water Quality Standards for floating and suspended residues in marine waters. Alaska Administrative Code Part 18 § 70.020 states that residues (floating and suspended solids, debris, foam and scum) shall not... “cause a film, sheen, or discoloration on the surface of the water... or cause a sludge, solid, or emulsion to be deposited... upon adjoining shorelines."

1. Purpose and objectives. The permittee shall monitor residues on the sea surface and shoreline. The surveys shall achieve the following objectives.

   a. Provide daily identification of the occurrence of pollutant residues on the surface of the water within a one hundred (100) yard radius of the end of the outfall(s) and a one hundred (100) yard perimeter around the facility’s docks and loading areas.

   b. Provide daily identification of the occurrence and the area of coverage, when present, of seafood processing residues on the shoreline within one-quarter (0.25) mile of the end of the outfall(s). When processing wastes are present within the baseline survey area, the survey shall be extended to one (1) mile for the duration of such deposits on the shoreline.

   The permittee shall report instances of noncompliance with the State water quality standard for residues (see "Reporting of Noncompliance," below).

2. Schedule. The permittee shall conduct a visual monitoring program on a daily basis during periods of operation and discharge.

3. Survey plan. The permittee shall develop a survey plan which meets the purpose and objectives of the visual monitoring program. The survey plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data.

The permittee shall submit this survey plan to EPA for review and approval within thirty (30) days of the effective date of this permit. No response from EPA will be interpreted as approval of the survey plan.

4. Monitoring report. The permittee shall submit a summary report of the monitoring survey which describes the methods and results of the survey. Reports of positive observations will include the date and time of observation and the nature of the scum, sheen, film, or foam on the sea surface, and/or the nature and area of sludge, solids, emulsion, or scum deposited on the shoreline. The report will include an abstract or executive summary which presents a concise interpretation and conclusions of the study. The report will address any potential water quality problems identified and any corrective actions taken or planned.

   The permittee shall submit the report to EPA and ADEC on or before January 15th of the year following the survey. It is recommended that this report be submitted with the Annual Report.

5. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (see "Signatory Requirements," below).

6. Modification of monitoring program. The monitoring program may be modified if EPA determines that it is appropriate. In addition, a modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times, (3) frequencies, or (4) parameters.

7. Mediation of seafood waste accumulations along the shoreline. In the case of an accumulation of seafood wastes along the shoreline in violation of this permit, the permittee shall ensure, weather permitting, the removal and disposal of these residues to an appropriate site or area within three (3) days of detection. During periods of inclement weather which interferes with clean-up activities, the permittee shall remove and dispose of these residues within five (5) days of detection.

**C. Water Quality Monitoring**.

The permittee shall conduct a water quality monitoring program of the receiving water of Udagak Bay to determine compliance with the Alaska Water Quality Standard for dissolved gas in marine waters. Alaska Administrative Code Part 18 § 70.020 states that "surface dissolved oxygen (D.O.) concentration in coastal water may not be less than 6.0 mg/L for a depth of one meter except

when natural conditions cause this value to be depressed" and D.O. must be greater than or equal to 4.0 mg/L below a depth of one meter in coastal waters.

1. Purpose and objectives. During the first year of the permit the permittee shall monitor D.O. in the water column in the late summer during a pollock fishery. The study shall achieve the following objectives.

   a. Provide seven (7) days of water quality measurements at a minimum of three (3) near-field "effect" stations, twelve (12) far-field "effect" stations, and three (3) far-field "control" stations.

   b. Provide measurements of D.O. concentrations, temperature, salinity, density, and depth at one (1) meter intervals throughout the water column from a point approximately one (1) meter below the surface to approximately one (1) meter above the bottom for each station on each day of monitoring. An initial reading will be taken at a point less than one (1) meter below the sea surface to characterize the surface layer.

   Monitoring shall also report instances of noncompliance with the State water quality standard for dissolved gas (see "Reporting of Noncompliance," below).

2. Schedule. The permittee shall conduct the water quality monitoring study during periods of operation and discharge in August of the first year of the permit. The permittee may submit recent water quality monitoring data of the receiving water which meets this study's purpose and objectives for consideration of acceptance as meeting the requirements of this section.

3. Study plan. The permittee shall develop a study plan which meets the purpose and objectives of the water quality monitoring requirements of this permit. The study plan will include appropriate procedures to assure and control the accuracy, consistency, and quality of monitoring data.

   The permittee shall submit this study plan to EPA and ADEC for review and approval during the first year of the permit at least thirty (30) days prior to the study. No response from EPA or ADEC will be interpreted as approval of the study plan.

4. Monitoring report. The permittee shall submit a summary report of the monitoring study which describes the methods and results of the study. The description of the methods will include at least the name, address, and phone number of the investigator(s), the assessment method and equipment used in the study, and the sampling stations. The report will include an abstract or executive summary which presents a concise interpretation and conclusions of the study and reports instances of

noncompliance. The report will address any potential water quality problems identified and any corrective actions taken or planned.

The permittee shall submit the report to EPA and ADEC on or before January 15th of the year following the study. It is recommended that this report be submitted with the Annual Report.

5. Signatory requirements. The permittee shall ensure that the monitoring report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the data reported (see "Signatory Requirements," below).

6. Modification of monitoring program. The monitoring program may be modified if EPA and ADEC, determine that it is appropriate. The ADEC will ensure that the modifications are consistent with the applicable policies of the coastal district. In addition, a modification may be requested by a permittee. The modified program may include changes in survey (1) stations, (2) times, (3) frequencies, (4) parameters, or (5) methods.

**D. Waste Pile Cleanup Program**.

The permittee shall conduct a waste pile cleanup program to determine compliance with the Alaska Water Quality Standard for residues in marine waters. Alaska Administrative Code Part 18 §70.020 states that residues (floating solids, debris, sludge, deposits, foam and scum) ... may not ... cause a sludge, solid, or emulsion to be deposited beneath or upon the surface of the water, within the water column, on the bottom, or upon adjoining shorelines."

1. Purpose and Objectives. During the first three years of the permit, the permittee will conduct operations aimed at reducing the size of waste pile "A" (a historic waste pile from a previous anchorage), identified in previous dive surveys, until the sea floor is returned to its natural state. The program shall achieve the following objectives.

   a. Remove the historic waste pile (pile "A") that is currently one acre in size during the first three years of the permit.

   b. The dive surveys required in the permit will be used to verify the removal of the waste pile.

2. Schedule. The permittee shall conduct the waste pile cleanup program during the first three years of the permit.

3. Cleanup plan. The permittee shall develop a cleanup plan which meets the purpose and objectives of the waste pile cleanup program of this permit.

The permittee shall submit the cleanup plan to ADEC for review and approval within sixty days of the effective date of the permit. The cleanup plan will detail the methods and time frames when cleanup activities will be conducted and measures to be taken to reduce short term water quality impacts. No response from ADEC will be interpreted as approval of the cleanup plan.

4. Cleanup report. The permittee shall submit a summary report of cleanup activities which describes the methods, time frames, and results. The report will include an abstract or executive summary which presents a concise interpretation and conclusions of the study. The report will address any potential water quality problems identified and any corrective actions taken or planned.

   The permittee shall submit the report to EPA and ADEC on or before January 15th of the year following the survey. It is recommended that this report be submitted with the Annual Report.

5. Signatory requirement. The permittee shall ensure that the cleanup report is signed by a principal officer or a duly appointed representative of the permittee. The permittee should require any of its contractors or agents responsible for this monitoring to certify the truth, accuracy, and completeness of the information reported.

6. Modification of cleanup program. The cleanup program may be modified if ADEC determines that it is appropriate. In addition, a modification may be requested by the permittee. The modified program may include changes in methods or times.

## V. QUALITY ASSURANCE REQUIREMENTS

The permittee shall ensure the development and written specification of quality assurance provisions in effluent and environmental monitoring plans.

**A. Purpose and Objectives**. The purpose of quality assurance and control requirements is to assure the integrity and quality of the data collected in the monitoring required by this permit and to assist in planning for the collection and analysis of effluent samples and for environmental monitoring and in explaining data anomalies when they occur.

**B. Requirements**.

1. Throughout all sample collection and analysis activities, the permittee shall use the EPA-approved quality assurance, quality control, and chain-of-custody procedures described in Interim Guidelines and Specifications For

Preparing Quality Assurance Project Plans, QAMS-005/80, December 29, 1980. The following reference may also be helpful in preparing the monitoring study plans for this permit: Example Format and Critical Elements of Quality Assurance Plan, EPA, Region 10, Quality and Data Management Program.

2. The monitoring study plans shall include details on sampling techniques, the number of samples, type of sample containers, preservation of samples, holding times, type and number of quality assurance field samples, analytical methods, analytical detection and quantitation limits (or method detection level) for each target compound, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.

3. Name(s), address(es), and telephone number(s) of the laboratories, used by or proposed to be used by the permittee, shall be specified in the monitoring study plans and monitoring reports.

4. The permittee shall receive and hold all laboratory bench sheets used in the analyses and maintain these records for inspection by EPA or ADEC for a period of at least 5 years (see "Retention of Records and Reports" below).

5. The permittee shall require the laboratory director of each laboratory providing measurement results in support of this permit to sign and submit to EPA the following statement on a monthly basis with the DMR:

   *I certify that this data is in compliance with requirements under 40 CFR Part 136 and other analytical requirements specified in this NPDES permit, No. AK-005286-8.*

   *Signature:_____ Date:_____*

**C. EPA Support of Quality Assurance and Control**.

The permittee may obtain copies of all references cited in this permit from the following address:

Quality and Data Management Program
Office of Environmental Assessment
U.S. EPA, Region 10
1200 6th Avenue, OEA-095
Seattle, Washington 98101.

## VI. COMPLIANCE RESPONSIBILITIES

**A. Duty to Comply**. The permittee shall comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. Proper Operation and Maintenance**. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

**C. Duty to Mitigate**. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of the permit which has a reasonable likelihood of adversely affecting human health or the environment.

**D. Toxic Pollutants**. The permittee shall comply with effluent standards or prohibitions established for toxic pollutants under Section 307(a) of the Act within the time provided in the regulations that establish those standards or prohibitions.

**E. Removed Substances**. Solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

**F. Need to Halt or Reduce Activity not a Defense**. It will not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of the permit.

**G. Bypass of Wastewater Treatment**.

1. Bypass exceeding effluent limitations. Bypass of wastewater treatment is prohibited if such bypass will produce a discharge which exceeds the effluent limitations of the permit. EPA or ADEC may take enforcement action against a permittee for a bypass, unless:

    a. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The permittee submitted notices of the bypass as follows.

(1) Notice of an anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible at least 10 days before the date of the bypass.

(2) Notice of an unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required under "Reporting of Noncompliance (see above).

EPA and ADEC may approve an anticipated bypass, after considering its adverse effects, if EPA and ADEC determine that it will meet the three conditions listed above.

2. Bypass not exceeding effluent limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation.

**H. Upset Conditions**.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset will demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An upset occurred and that the permittee can identify the cause(s) of the upset;

b. The permitted facility was at the time being properly operated;

c. The permittee submitted notice of the upset as required under "Reporting of Noncompliance" (see above); and

d. The permittee complied with any remedial measures required under "Duty to Mitigate" (see above).

3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

**I. Inspection and Entry**. The permittee shall allow EPA, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

**J. Penalties for Violations of Permit Conditions**.

1. Civil and administrative penalties. Any person who violates a permit condition implementing CWA §§ 301, 302, 306, 307, 308, 318, or 405 shall be subject to a civil or administrative penalty, not to exceed the maximum amounts authorized by Sections 309(d) and 309(g) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note).

2. Negligent violations. Any person who negligently violates a permit condition implementing CWA §§ 301, 302, 306, 307, 308, 318, or 405 shall, upon conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(1) of the Act.

3. Knowing violations. Any person who knowingly violates a permit condition implementing CWA §§ 301, 302, 306, 307, 308, 318, or 405 shall, upon

conviction, be punished by a fine and/or imprisonment as specified in Section 309(c)(2) of the Act.

4. Knowing endangerment. Any person who knowingly violates a permit condition implementing CWA §§ 301, 302, 306, 307, 308, 318, or 405, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine and/or imprisonment as specified in Section 309(c)(3) of the Act.

5. False statements. Section 309(c)(4) of the Act provides that any person who knowingly makes any false material statement, representation, or certification in any application or notice of intent, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall be punished by a fine of not more than $10,000, or by imprisonment for not more than 2 years, or by both.

Except as provided in explicit variances allowed within this permit (see "Bypass of Treatment Facilities" and"Upset Conditions"), nothing in this Permit shall be construed to relieve a permittee of the civil or criminal penalties for noncompliance.

## VII. RECORDING AND REPORTING REQUIREMENTS

**A. Duty to Provide Information**. The permittee shall furnish to EPA and ADEC, within a reasonable time, any information which EPA or ADEC may request to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. The permittee shall also furnish to EPA or ADEC, upon request, copies of records and reports required to be kept by the permit.

**B. Records Contents**. Records of monitoring information shall include at least the following information:

1. The name(s) of the individual(s) who performed the sampling or measurements;

2. The date, exact place, and time of sampling or measurements;

3. The name(s) of the individual(s) who performed the analyses;

4. The date(s) analyses were performed;

5. The analytical techniques or methods used; and

6. The results of such analyses.

**C. Submittal of Reports**. An annual report of effluent monitoring and other information required by the permit will be submitted to EPA and ADEC at the following addresses:

original to:

U.S. Environmental Protection Agency, Region 10
NPDES Compliance Unit (OW-133)
1200 Sixth Avenue
Seattle, Washington 98101

copy to:

Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, Alaska 99501
Attention: Water Permits.

**D. Retention of Records and Reports**. The permittee shall retain copies of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the application for the permit, for a period of at least 5 years from the date of the sample, measurement, report, or application. This period may be extended by request of EPA at any time.

**E. On-site Availability of Records and Reports**. Copies of this NDPES permit, monitoring reports, and other technical documents required under the permit shall be maintained on-site during the duration of activity at the permitted location.

**F. Availability of Reports for Public Review**. Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of the permit will be available for public review at the offices of EPA and ADEC. As required by the Act, permit applications, permits, and effluent data will not be considered confidential.

**G. Planned Changes**. The permittee shall give sixty (60) days advance notice to EPA and ADEC as soon as possible of any planned physical alterations of or additions to the permitted facility. Notice is required only when:

1. The alteration of or addition to the facility could result in noncompliance with the explicit effluent limitations of the permit;

2. The alteration of or addition to the facility could significantly change the nature or increase the quantity of pollutants discharged which are not limited explicitly in the permit; or

3. The alteration of or addition to the facility may meet one of the criteria for determining whether the facility is a new source as determined in 40 CFR § 122.29(b).

**H. Notice of New Introduction of Pollutants**.

1. The permittee shall provide sixty (60) days advance notice to EPA and ADEC of:

   a. Any new introduction of pollutants into the treatment works from an indirect discharger which would be subject to Sections 301 or 306 of the Act if it were directly discharging those pollutants; and

   b. Any substantial change in the volume or character of pollutants being introduced into the treatment works by a source introducing pollutants into the treatment works at the time of issuance of the permit.

2. For the purposes of this section, adequate notice will include information on:

   a. The quality and quantity of effluent to be introduced into such treatment works; and

   b. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from such treatment works.

**I. Anticipated Noncompliance**. The permittee shall also give advance notice to EPA and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

**J. Reporting of Noncompliance**.

1. The following occurrences of noncompliance shall be reported by telephone to EPA (206-553-1846) and ADEC (907-269-7500) within 24 hours from the time the permittee becomes aware of the circumstances:

   a. Any noncompliance which may endanger human health or the environment;

   b. Any violation of a maximum daily discharge limitation for any of the pollutants listed in the permit (see "Effluent Limitations" above);

   c. Any unanticipated bypass which exceeds any effluent limitation in the permit (see "Bypass of Treatment Facilities" below); or

d. Any upset which exceeds any effluent limitation in the permit (see "Upset Conditions" below).

2. A written notice of the preceding occurrences of noncompliance will also be provided to EPA and ADEC (see "Submittal of Reports" above) within five (5) days of the time that the permittee becomes aware of the circumstances which lead to the noncompliance.

3. Instances of noncompliance not required to be reported within 24 hours will be reported at the time that the next discharge monitoring report is submitted.

The written submission will contain:

a. A description of the noncompliance and its cause;

b. The period of noncompliance, including exact dates and times;

c. The estimated time noncompliance is expected to continue if it has not been corrected; and

d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

## VIII. GENERAL PROVISIONS

**A. Permit Changes and Other Actions**. The permit may be modified, revoked, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

**B. Duty to Reapply at least 180 days before Expiration Date**. If the permittee wishes to continue an activity regulated by the permit after the expiration date of the permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of the permit in order to ensure the timely reissuance of the permit.

**C. Incorrect Information and Omissions**. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to EPA or ADEC, it will promptly submit such facts or information.

**D. Signatory Requirements**. All applications, reports or information submitted to EPA and ADEC will be signed and certified.

1. All permit applications will be signed as follows:

   a. For a corporation: by a responsible corporate officer.

   b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

   c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by EPA or ADEC will be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to EPA and ADEC, and

   b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under "Signatory Requirements" is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements this section shall be submitted to EPA and ADEC prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**E.** **Property Rights**. The issuance of the permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state, or local laws or regulations.

**F.** **Severability**. The provisions of the permit are severable, and if any provision of the permit, or the application of any provision of the permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, will not be affected.

**G.** **Transfers**. The permit may be automatically transferred to a new permittee if:

1. The current permittee notifies EPA at least 30 days in advance of the proposed transfer date;

2. The current permittee notifies EPA at least 30 days in advance of the proposed transfer date;

3. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and

4. EPA does not notify the existing permittee and the proposed new permittee of its intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in the preceding paragraph.

**H.** **Oil and Hazardous Substance Liability**. Nothing in the permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

**I.** **State Laws**. Nothing in the permit will be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

**J.** **Reopening of the Permit.** If these permit requirements are insufficient to achieve Alaska State Water Quality Standards, EPA, in consultation with ADEC, may reopen and modify the permit in accordance with 40 CFR § 122.44(d)(1)(C)(4) and 40 CFR § 122.62 to include more stringent effluent limitations and/or additional monitoring requirements.

## IX. DEFINITIONS and ACRONYMS

*AAC* means the Alaska Administrative Code.

*ADEC* means Alaska Department of Environmental Conservation.

*Average monthly discharge* means the average of *daily discharges* over a monitoring month, calculated as the sum of all *daily discharges* measured during a monitoring month divided by the number of *daily discharges* measured during that month. It may also be referred to as the "monthly average discharge."

*BMP* means best management practices.

*BOD5* means five-day biochemical oxygen demand.

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

EC means degrees centigrade.

*CFR* means the Code of Federal Regulations.

*Cooling water* means once-through non-contact cooling water.

*CWA, or the Act*, means the Clean Water Act.

*Daily discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

*Daily maximum discharge* means the highest allowable "daily discharge" and is also referred to as the "maximum daily discharge."

*Discharge of a pollutant* means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source".

*D.O.* means dissolved oxygen.

*Domestic wastes* means materials discharged from showers, sinks, safety showers, eye-wash stations, hand-wash stations, galleys, and laundries.

*EPA* means the United States Environmental Protection Agency.

*Maximum* means the highest measured discharge or pollutant in a waste stream during the time period of interest.

*MGD* means million gallons per day.

*mg/L* means milligrams per liter.

*mm* means millimeters.

*Mixing zone* means the zone of dilution authorized by ADEC under 18 AAC 70.032 wherein pollutant concentrations may exceed the criteria of the Alaska Water Quality Standards for the proscribed pollutants.

*MLLW* means mean lower low water.

*P.L.* means (U.S.) Public Law.

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

*Process wastewater* means any wastewater which, during processor operations, comes into direct contact with or results from the production or use of any raw material, intermediate product or by-product, or waste product.

*Pycnocline* means a sharp density gradient in the water column, often associated with the warming of a surface layer of water during summer months.

*Sanitary wastes* means human body waste discharged from toilets and urinals.

*Seafood* means the raw material, including freshwater and saltwater fish and shellfish, to be processed, in the form in which it is received at the processing plant.

*Seafood process waste* means the waste fluids, organs, flesh, bones, and chitinous shells produced in the conversion of aquatic animals and plants from a raw form to a marketable form.

*Settleable solid process residues* means process waste solids that gravimetrically settle out of the process wastewater and accumulate on the bottom of a wastewater discharge collection sump (which typically has a residence time of 15 minutes).

*Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

*Sewage* means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

*SIC* means Standard Industrial Code, a numerical coding system which simplifies the management of data pertaining to types of industry.

*SS* means settleable solids.

*TSS* means total suspended solids, and includes settleable solids.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

*USGS* means the United States Geologic Survey.

*Water depth* means the depth of the water between the surface and the sea floor as measured at mean lower low water (0.0).

*Zone of deposit (ZOD)* means an area of the bottom in marine, coastal, or estuarine waters in which ADEC has authorized the deposit of residues in exceedance of the water quality criteria of 18 AAC 70.020(b) and the antidegradation requirement of 18 AAC 70.0101(c).